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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEN JOHANSEN on behalf of)
himself and others similarly)
situated,)

Plaintiff,)

vs.)

ONE PLANET OPS INC.,)

Defendant.)
_____)

**CERTIFIED
TRANSCRIPT**

Case No. 2:16-cv-00121

CONFIDENTIAL TRANSCRIPT

DEPOSITION OF RUDD LIPPINCOTT,

Federal Rule 30(b)(6) Designated Witness

WEDNESDAY, MAY 24, 2017, 9:08 a.m.

Reported by: DEBORAH WONG BROOKS, CSR, License No. 5223

Emerick and Finch, Certified Shorthand Reporters
Rudd Lippincott

Exhibit A

1 THE WITNESS: Yes, we did meet.

2 BY MR. BRODERICK:

3 Q And how long did you meet for?

4 A I would say maybe an hour yesterday.

5 Q And did you review any documents?

6 A Not in any great length, but there were
7 certainly a number of documents in the room.

8 Q Do you remember what those documents were?

9 A There were too many to recall.

10 Q Were they the exhibits that I forwarded for
11 this deposition?

12 A Without going through the entire stack of
13 papers in front of me here or the stack of papers
14 yesterday, I would say it most likely is. But again, I
15 haven't gone through every paper.

16 Q Okay. Can you tell me the nature of One
17 Planet's business?

18 A Yeah. We are an online marketing firm.

19 Q And what kind of online marketing do you do?

20 A We provide locally targeted advertising to
21 businesses that want to attract customers in their local
22 markets. So, we provide them with advertising in the
23 form of clicks and leads.

24 Q And when you say "clicks," for a non-tech
25 person what does that mean?

1 **A** Yes. That's correct.

2 **Q** [REDACTED]

3 [REDACTED]

4 **A** [REDACTED]

5 **Q** [REDACTED]

6 [REDACTED]

7 **A** [REDACTED]

8 **Q** Okay. Now, what did -- so, is it okay, in
9 terms of reference, if I discuss Reply, Inc. as
10 essentially being One Planet? If I talk about the Lead
11 House relationship, you'll understand if I say "What was
12 Lead House's relationship with One Planet." There's
13 nothing confusing about that for you, is there?

14 **A** No.

15 **Q** Okay. And you've touched on this, but what did
16 Lead House do for One Planet?

17 **A** [REDACTED]

18 [REDACTED]

19 **Q** [REDACTED]

20 **A** [REDACTED]

21 **Q** [REDACTED]

22 **A** [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 **Q** [REDACTED]

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1 [REDACTED]
2 **A** [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 **Q** [REDACTED]
6 **A** [REDACTED]
7 [REDACTED]
8 **Q** [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 **A** [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 **Q** [REDACTED]
15 [REDACTED]
16 **A** [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 **Q** [REDACTED]
20 [REDACTED]
21 **A** [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 **Q** [REDACTED]

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1 [REDACTED]
2 **A** [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 **Q** [REDACTED]
7 **A** [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 **Q** [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 **A** [REDACTED]
18 **Q** [REDACTED]
19 **A** [REDACTED]
20 **Q** [REDACTED]
21 [REDACTED]
22 **A** [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 **Q** [REDACTED]

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Exhibit A

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1 [REDACTED]
2 A [REDACTED]
3 Q [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 A [REDACTED]
7 [REDACTED]
8 Q [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 A [REDACTED]
13 Q [REDACTED]
14 [REDACTED]
15 A [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 Q [REDACTED]
19 [REDACTED]
20 A [REDACTED]
21 Q [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Rudd Lippincott

Exhibit A

1 says under penalty of perjury "The Lead House, or its
2 call center, took instruction from Reply and implemented
3 a process in its script where it asked for verbal
4 permission that Reply be allowed to contact the
5 individuals The Lead House, or its call center, called?"

6 Do you agree with that statement?

7 **A** No.

8 **Q** Why not?

9 **A** [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 **Q** [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 **A** [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 **Q** And have you seen the records that Lead House
22 produced in response to a subpoena issued by the
23 plaintiff in this case?

24 **A** The only record I recall was, I think, either
25 an Excel file or a CSV file that had consumer information

1 really not understanding what you mean.

2 BY MR. BRODERICK:

3 Q

4

5

6

7 MR. KARLSGODT: Objection to the form of the
8 question. Improper foundation.

9

10

11

12

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14

15 BY MR. BRODERICK:

16 Q Do you think requiring an individual IP address
17 and verifying whether or not that correlated to the lead,
18 at least the geographic area of the lead, would be a way
19 to validate whether the leads were, in fact, valid?

20 A I think even an IP address could be fabricated.

21 Q Is that not something that you can -- you could
22 check to see where that IP address is? In what part of
23 the country?

24 A I don't know.

25 Q

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DECLARATION

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 6/28/17

BY: 
RUDD LIPPINCOTT

CERTIFICATE OF REPORTER

I, DEBORAH WONG BROOKS, a Certified Shorthand Reporter in the State of California, hereby certify that the witness in the foregoing deposition was by me duly sworn/affirmed to testify to the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, or in any way interested in the outcome of the cause named in said caption, and that I am not related to any of the parties thereto.

DATED:

June 1, 2017

DEBORAH WONG BROOKS
CSR No. 5223